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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,238	12/28/2001	Shinichi Hirata	217537US-6 DIV	6314
22850	7590	11/19/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			11/19/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	Application No. 10/029,238	Applicant(s) HIRATA, SHINICHI	
	Examiner Reuben M. Brown	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 8/13/2007 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Pat 6,374,406 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Arguments***

2. Applicant's arguments filed 8/13/2007 have been fully considered but they are not persuasive. Applicant argues on page 3 that Abraham does not discuss using the program start and end times for recording of the program, and thus does not discuss the use of a recording module *per se*. Examiner agrees that Abraham does not directly discuss that the timer reservation information is used in a recording module. However, it is pointed out that the recording module is presented in the base reference, Blake, Para [0089].

Even though Blake clearly requires some timing mechanism in order to operate, the reference does not explicitly discuss its timing algorithm. However, Abraham discloses the

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library station 18 (i.e., headend or server) transmitting a command that is stored in a computer memory of a subscriber terminal 24, and is specifically used by the subscriber terminal 24 to reserve the terminal to operate at a particular time. The command is operable to Turn On/Off a standard receiver, at the instant reserved time. The transmitted command reads on the claimed timer reservation.

Thus, the combination of Blake & Abraham reads on the claimed.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake, (US PG-PUB 2003/0031465), in view of Abraham, (U.S. Pat # 4,567,512).

Considering claims 17 & 23, the claimed reception device for controlling a recording module, comprising:

‘means for receiving a formatted file through the network’ reads on the personal computer, PCTV or set top box, Para [0027]-[0027] & [0031] & [0089].

‘means for extracting at least one text-based control command in said formatted file received by the means for receiving, wherein the text-based control command is in the formatted file to control the recording module’, reads on the disclosure in Blake that the user may send recording requests via an e-mail account via the processing system 334. The processing system 334 transmits the requests to the user’s recoding device 336.

‘means for controlling the recording module based on the text based control command extracted by the means for extracting, such that the means for controlling has a timer reservation function and the means for controlling reserves an operation time of the recording module’ reads on the disclosure of Blake, which teaches that control codes maybe transmitted through a telecommunications network to activate and control a VCR a subscriber’s residence to record a program specifically requested by the user. Blake also teaches that the user may send an e-mail message to processing system 334, [0089]-[0093].

However, Blake does not explicitly teach that the timer reservation function is transmitted through the network. Nevertheless Abraham, which is in the same field of endeavor, provides a teaching of a user requesting to operate an associated subscriber terminal to automatically receive a program that will be broadcast in the future, (Abstract). The library

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station 18 receives the request and transmits timer reservation information via telephone line, which is stored by a microprocessor 98 at the user equipment 24. At the appropriate time, the stored information is released and used by the subscriber terminal 24 to tune into and receive the requested program at the appropriate time, (col. 7, lines 50-67; col. 8, lines 5-15). It would have been obvious of ordinary skill in the art at the time invention was made, to modify Blake with the teaching of using a timer reservation function as taught by Abraham, (col. 3, lines 21-32) at least for the advantage of having the timer reservation information already stored at the receiver at broadcast time, which overcomes the problem of not recording the requested program if there is a transmission error if the control command is transmitted at the time of broadcast of the request program.

Thus, the combination of Blake & Abraham would teach one of ordinary skill in the art, to provide the text-based control commands, for instance by e-mail, as discussed in Blake to a recording module, prior to transmission of the broadcast and set the reservation timer function of the recording module to automatically record the program, at the time of its broadcast.

Considering claims 18, 24, 31, 36, 41 & 48, Blake teaches that a PC, PCTV, laptop, STB or any other device capable of transmitting data from a remote location, including by use of a modem, [0089] and that the devices may operate using a web browser, which reads interprets data transmitted over the Internet, [0027], [0041] & [0093].

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Considering claims 19, 25, 32, 37, 42, & 49, Blake discloses that the processing system 334 stores the recording information, [0089], whereas Abraham more explicitly teaches storing the operation time information at the subscriber equipment, col. 3, lines 25-50; col. 7, lines 50-61.

Considering claims 20-21, 26-27, 33-34, 38-39, 43-44 & 50-51, the claimed TV recording module, reads on the VCR unit at the subscriber site, [0089] and the subscriber equipment of Abraham, Figs. 1-4.

Considering claims 22, 29 & 46, the claimed subject matter reads on Blake Para, [0034] & [0079].

Considering claims 28 & 45, Blake discusses that the receiver may include a modem, [0026], [0030].

Considering claims 30, 35, 40, 45 & 47, the claimed transmission/reception device comprising elements that corresponds with subject matter mentioned above in the rejection of claims 17 & 23 is likewise treated. As for the claimed 'transmitter' or 'means for transmitting', reads on the remote location used by a subscriber to schedule recordings on their home VCR, Blake [0089].

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2623